

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte PETER FALL

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Application 09/681,441

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On June 20, 2005, applicant filed a timely Reply Brief.

In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

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Further, a foreign reference (DE 3140329) relied on by the examiner in the Examiner's Answer (mailed April 20, 2005) needs an English translation.

In addition, the Examiner's Answer is defective because it is not in compliance with the headings as set forth in the new rules under 37 CFR § 41.37(c). Correction is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for consideration and proper response to the Reply Brief, for the Examiner to obtain a complete copy of the translation for the file, to supply a copy of the translation to the applicant, to vacate the Examiner's Answer and file a revised Examiner's Answer in compliance with the new rules effective September 13, 2004, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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